

REMARKS

Claims 1-8 and 23 are pending in this application, of which claim 1 has been amended.

No new claims have been added.

The Examiner has maintained from the previous Office Action the 35 USC §102(b) rejection of claims 1-3 as anticipated by **Okada et al.** and the 35 USC §103(a) rejection of claims 4-5 as unpatentable over **Okada et al.**

Applicants respectfully traverse these rejections.

Applicants have previously argued that **Okada et al.** elements (18, 18) do not permit propagation of the MSSW to the first and second end surfaces. In the Office Action, the Examiner states:

This argument is not commensurate with what is claimed. The present claims 1-3 merely state that the wave propagates “between” the first and second end surfaces (i.e. the present claims language does not require the wave to propagate “to” the end surfaces and only requires the wave to propagate “between” the end surfaces which is clearly taught by Okada). Also, it should be noted that the broadest interpretation of the term “to” can include being defined as “toward” which Okada’s wave propagating “between” the ends also satisfies. [Sic.]

Applicants respectfully disagree.

In **Okada et al.**, because an unnecessary magnetostatic wave is absorbed by the magnetostatic wave absorption means 18 at the end surfaces, the magnetostatic wave propagates only in one direction from the input transducer 38a to the output transducer 38b in the magnetostatic layer, and the magnetostatic wave does not reflect at the end surfaces (the

magnetostatic wave absorption means 18).

In contrast, in the magnetostatic wave device according to the present invention, a magnetostatic wave is reflected between the end surfaces of the magnetostatic layer. This achieves the effect of enlarging the range of wavelengths of selectively reflectable magnetostatic waves so that the passband of the magnetostatic wave device can be enlarged without increasing insertion loss.

Accordingly, claim 1 has been amended to recite this distinction, and the 35 U.S.C. §102(b) rejection should be withdrawn.

Claims 6-8 have been allowed and the Examiner has indicated that claim 23 would be allowable if rewritten in independent form. Applicants respectfully defer this action until a FINAL Office Action, if any, is received.

In view of the aforementioned amendments and accompanying remarks, claims 1-8 and 23, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. **09/988,815**
Response to Office Action dated March 16, 2004

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



William L. Brooks
Attorney for Applicant
Reg. No. 34,129

WLB/nrp:mla
Atty. Docket No. **011548**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

H:\FLOATERS\WLB\01\011548\AMENDMENT